

TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

**TOWN OF EASTHAM  
ANNUAL TOWN MEETING & ANNUAL ELECTION  
WARRANT**

WITH FINANCE COMMITTEE REPORT & RECOMMENDATIONS

**TOWN MEETING**

**MAY 6, 2019 at 7:00 P.M.**

NAUSET REGIONAL HIGH SCHOOL GYMNASIUM

100 CABLE ROAD

EASTHAM, MA

**ANNUAL TOWN ELECTION**

**MAY 21, 2019**

POLLS OPEN 7:00 A.M. - 8:00 P.M.

EASTHAM TOWN HALL

2500 STATE HIGHWAY

EASTHAM, MA

PRE-TOWN MEETING FOR PRESENTATION/DISCUSSION OF ARTICLES

THURSDAY APRIL 25, 2019 at 6:00 P.M.

EASTHAM PUBLIC LIBRARY

190 SAMOSET ROAD, EASTHAM, MA

*Please bring this warrant to Town Meeting.*

*It is also available on the Town's website [www.eastham-ma.gov](http://www.eastham-ma.gov)*

# TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

ARTICLE	TITLE	PAGE
1	GREENHEAD FLY CONTROL	5
2	DEP LIABILITY	5
3	NAUSET REGIONAL SCHOOL FUNDING AGREEMENT	5
4	SPENDING LIMITS FOR REVOLVING ACCOUNTS	6
5	VISITORS SERVICES BOARD FUNDING	6
6	CHAMBER OF COMMERCE FUNDING	6
7	ELECTED OFFICIALS SALARIES	7
8	PAY PRIOR YEARS BILLS	7
9	FY 19 TRANSFERS	8
10	IMPROVE COMMUNICATION FOR ER RESPONSE AT BEACHES	8
11	FUND EASTHAM 400 COMMEMORATION COMMITTEE	8
12	ANNUAL OPERATING BUDGET	9-12
13	ANNUAL CAPITAL ACQUISITION ARTICLE	13-15
14	FIVE-YEAR CAPITAL PLAN	15-20
15	WASTEWATER CAPITAL FUNDING	21
16	GENERAL BYLAW AMENDMENT – DELINQUENT TAXPAYERS	21
17	ZONING: ALLOW INTERIOR CHANGES	23
18	ZONING: ALIGN LOCAL ENFORCEMENT WITH STATE CODE	23-24
19	ZONING: HOUSEKEEPING/VARIOUS FOR CONSISTENCY	25-29
20	ZONING: ALLOW ACCESSORY DWELLING UNITS	29-34
21	CREATE OPTIONAL BETTERMENT FOR WATER CONNECTION	34
22	TEE TIME LAND ACQUISITION	36
23	NAUSET ESTUARY DREDGE	36
24	CPA – REVENUE ALLOCATION	37
25	CPA – ADMINISTRATIVE COSTS	37
26	CPA – DEBT PAYMENT	38
27	CPA – AFFORDABLE HOUSING – CAPE HOUSING INSTITUTE	38
28	CPA – AFFORDABLE HOUSING – EASTHAM AHT	38
29	CPA – HISTORIC PRESERVATION – HISTORIC PROPERTIES SURVEY	39
30	CPA – OPEN SPACE – LAND ACQUISITION	39
31	CPA – OPEN SPACE – MONITORING	40
32	CPA – OPEN SPACE – PRESERVE PONDS	41
33	CPA – ACTIVE RECREATION – WILEY PARK RECREATION AREA	41
34	CPA – ACTIVE RECREATION – MOBI MATS	41
35	PETITION – BAN SINGLE-USE PLASTIC BAGS	42
36	PETITION – BAN SINGLE-USE POLYSTYRENE CONTAINERS	43
37	PETITION – SUPPORT LEGISLATION TO CHANGE STATE SEAL/FLAG	44
38	ACCEPT PUBLISHED REPORTS	45
	MUNICIPAL FINANCE TERMS & PROPOSITION 2 ½ TERMS	47-48
	PROCEDURES FOR TOWN MEETING	49

# TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

## ANNUAL TOWN MEETING WARRANT

Commonwealth of Massachusetts

Barnstable, ss.~

TO: Either of the Constables of the Town of Eastham  
In the County of Barnstable

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of said Town qualified to vote in Elections and Town affairs to meet at the Nauset Regional High School gymnasium, Monday the 6<sup>th</sup> of May, two thousand and nineteen, at seven o'clock in the evening, then and there to act on the following articles in this warrant and to meet in Eastham Town Hall, 2500 State Highway, at 7 a.m. Tuesday the twenty-first of May next, then and there to elect the following Town Officers:

Board of Selectmen	Two three-year terms (vote for two)
Library Trustee	Two three-year terms (vote for two)
Elementary School Committee	Two three-year terms (vote for two)
Nauset Regional School Committee	One three-year term (vote for one)

And to act on the following questions:

- 1.) Shall the Town of Eastham be allowed to exempt from the provisions of proposition two and one half, so called, the amounts required to pay for the bonds to be issued in order to continue the wastewater engineering & study for traditional and non-traditional systems for watershed protection of Salt Pond and the Nauset Estuary/Town Cove, working towards a Targeted Watershed Management Plan, including all costs incidental and related thereto?
- 2.) Shall the Town of Eastham be allowed to exempt from the provisions of proposition two and one half, so called, the amounts required to pay for the bonds to be issued in order to acquire a parcel of land consisting of ten and 8/10 (10.8) acres, more or less, located at 4790 State Highway, Eastham, Barnstable County, Massachusetts and more accurately shown in a plan entitled, "Plan of Land in Eastham, Massachusetts, prepared for Angelo's Supermarkets, Inc." dated January 10, 1986 by Nickerson & Berger, Inc., and recorded with the Barnstable County Registry of Deeds in Book 410, Page 32, including all costs incidental and related thereto?

# TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

## 2019 FINANCE COMMITTEE REPORT

The role of the Eastham Finance Committee under our Town Charter and By Laws is to provide recommendations to the citizens of the Town on articles and questions presented in the Town Warrant. The committee considers each warrant question and article carefully, seeking and receiving input from appropriate committees, consultants, departments, and interested parties before discussing each issue and reaching our conclusions. We encourage the public to attend our meetings, which are posted on the Town's website and in the Town Clerk's office.

The items in this year's warrant which the Finance Committee thought it appropriate to bring to the taxpayer's attention includes line item 48 within Article 12 (the Municipal Operating Budget), and Articles 15, 20, and 22.

Article 12, line item 48, relates to the OPEB (Other Post-Employment Benefits – i.e. predominately retiree health benefits) costs for the school employees and is being proposed by the town because the School Committee did not include it in their budget. OPEB is a critically underfunded cost across the state. Locally it is a problem for the schools and the Town. It is hundreds of thousands of dollars in arrears. The Finance Committee recommends rejecting this article (vote 1 for and 6 against acceptance) as we feel the School Committee should be addressing this issue by including and managing it in the school budgets, as does Cape Cod Tech, and not leaving it up to the town to include it separately in its operating budget.

Article 15, Wastewater (vote 7-0 for approval). Of critical concern to our entire community is the quality of our waters. Financially, our lakes, ponds and beaches are major elements of our local economy. They are also a large part of what makes Eastham a desirable community to live in. We owe it to ourselves and our families to protect and improve water quality. This article is part of the Town's five year wastewater plan and addresses storm water issues related to Salt Pond, the Nauset Estuary, and Rock Harbor, all critical water bodies in our local environment. It is estimated the debt incurred would cost the average median (\$468,000) household \$7.74 a year or \$193.61 over the 20 years.

Article 20, Zoning, (vote 7-0 for approval). Diversity and quantity of housing types is a major problem for Eastham. We are not able to attract young families nor provide housing for those that work in the community. The current ADU (Accessory Dwelling Unit) bylaw is extremely restrictive, onerous to comply with and consequently has resulted in very few ADU's being developed. This bylaw revision makes ADU's a by right zoning bylaw, simplifies the process to create them, and eliminates a number of restrictions. It will increase/improve the diversity of housing in Eastham.

Article 22 recommends purchase of the Tee Time property (vote 7-0 for approval). The current uncertainty related to the development of this property is a major concern to the community. As one of the last large undeveloped pieces of property in town, it is important that what ends up there is something the town wants (which is currently in jeopardy). The implementation of the Eastham Corridor Special District (DCPC) now makes this an attractive development opportunity and the only way we can assure that we are happy with the end result of development is by owning/controlling it, hence this purchase proposal. It is estimated the debt incurred would cost the average median (\$468,000) household \$15.82 a year or \$409.10 over the 20 years.

Respectfully Submitted,

Gerald Cerasale, Chair

Arthur Autorino, Vice Chair

Fred Guidi

Russ French

Peter Wade

George Deptula

Mary Shaw

Tom Gardner

Rick Knight

Brendan Hamaty, Student Intern

## TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

### **ARTICLE 1** **GREENHEAD FLY CONTROL**

To see if the Town will vote to raise and appropriate or transfer from available funds **\$2,200** for Greenhead Fly Control as authorized by G.L. C.252 §24, and authorize the Town Treasurer to pay said appropriation into the State Treasury; or take any action relative thereto.

By Board of Selectmen

**Summary:**

This is a standard article to appropriate money to pay the Town's share of the Greenhead Fly Control Program.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: 7-0

*(Majority vote required)*

### **ARTICLE 2** **DEP LIABILITY**

To see if the Town will vote to assume liability in the manner provided by Sections 29 and 29A of Chapter 91 of the General Laws, as most recently amended for all damages that may be incurred by the Department of Environmental Protection of Massachusetts for the improvement, development, maintenance and protection of tidal and non-tidal rivers and streams, great ponds, harbors, tidewaters, foreshore and shores along a beach, in accordance with Section 11 of Chapter 91 of the General Laws, and authorize the Selectmen to execute and deliver a bond of indemnity therefore to the Commonwealth of Massachusetts; or take any action relative thereto.

By Board of Selectmen

**Summary:**

All Massachusetts municipalities indemnify the DEP for work in the local communities with this standard article.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: 7-0

*(Majority vote required)*

### **ARTICLE 3** **NAUSET REGIONAL SCHOOL FUNDING AGREEMENT**

To see if the Town will vote to accept the provisions of G. L. C.71, §16B, which would reallocate the sum of member towns' contributions to the Nauset Regional School District in accordance with the Regional Agreement rather than the Education Reform Formula, so-called, for fiscal year 2020; or take any action relative thereto.

By Nauset Regional School Committee

**Summary:**

This article will apportion the Nauset Regional School Assessments for FY19 to the four member towns based on their proportionate enrollment within the school district. This is the method provided within the inter-municipal agreement approved by the four towns establishing the Nauset Regional School District, and has been applied in each of the last 10 years by town meeting vote.

## TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: 7-0

*(Majority vote required)*

### **ARTICLE 4** **SPENDING LIMITS FOR REVOLVING ACCOUNTS**

To see if the Town will set FY20 spending limits for the revolving funds as follows: Recreation – Bottles & Cans **\$10,000**, Home Composting Bin/Recycling **\$1,200**, Vehicular Fuel Sales **\$35,000** and Council on Aging/Lower Cape Adult Day Center **\$12,500**; or take any action relative thereto.

By Board of Selectmen

Summary:

This article is required and sets the maximum amount for each of the revolving funds.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: 7-0

*(Majority vote required)*

### **ARTICLE 5** **VISITORS SERVICES BOARD FUNDING**

To see if the town will vote to appropriate and transfer the sum of **\$12,000** from FY19 Hotel Motel Excise Tax (free cash so called), in accordance with Annual Town Meeting Article 26, May 4, 1998, to the Eastham Promotions Fund to be expended by the Visitors Services Board on the following items: Landscaping, lighting, holiday decorations and general improvement on Windmill Green \$3,500, Flower Island support \$500, and Summer concerts \$8,000; or take any action relative thereto.

By Visitor Services Board

Summary:

This is an annual article to fund activities of the Visitors Services Board, which enhance and promote tourism in the Town.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: 7-0

*(Majority vote required)*

### **ARTICLE 6** **CHAMBER OF COMMERCE FUNDING**

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of **\$18,000** to be given to the Eastham Chamber of Commerce as a grant to help support operations of the Information Booth; or take any action relative thereto.

By Board of Selectman/Chamber of Commerce

Summary:

Annually the Town has supported a grant to the Chamber of Commerce to assist in paying for the operation of the Information Booth. This year the amount of the grant has been increased \$2,000. It has been level-funded since

## TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

FY16. This money is used primarily for staff salaries. The Town continues to provide maintenance services and utilities to this town-owned property.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: 7-0

*(Majority vote required)*

### **ARTICLE 7** **ELECTED OFFICIALS SALARIES**

To see if the Town will vote to fix the salary and compensation of all elected officials of the Town as provided by Section 108, Chapter 41, General Laws, as amended, and to raise and appropriate or transfer from available funds the following sums of money for salaries:

Moderator	\$ 500
Town Clerk	\$74,686
Selectmen (5) 2,500 each	\$12,500
<b>Total</b>	<b>\$87,656</b>

or take any action relative thereto.

By Elected Officials

Summary:

The salaries for elected officials in this article are level funded with the exception of the Town Clerk.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: 7-0

*(Majority vote required)*

### **ARTICLE 8** **PAY PRIOR YEARS BILLS**

To see if the Town will vote to transfer and appropriate the sum of \$43,416 to pay FY18 prior year unpaid bill and \$43,389 for the FY19 current year bill for a total of **\$86,805** in order to pay the Tri-Town pension liability for the costs of retirees shared by Eastham, Orleans & Brewster, billed late; or take any action relative thereto.

By Board of Selectmen

Summary:

The three towns of Brewster, Orleans and Eastham are responsible for 50 percent of the annual pension costs for the retirees of the Tri-Town plant. The Barnstable County Retirement Association sent out bills in September of 2018 for the previous fiscal year and fiscal year 2019. This is the first and second year of expenses for these shared retirees and we did not receive notice in time to place this item in the FY19 budget. This article will fund FY18 and FY19 expenses. In FY20 and going forward, the expense will be in the operating budget.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: 7-0

*(4/5ths Majority vote required)*

## TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

### **ARTICLE 9** **FY 19 TRANSFERS**

To see if the Town will vote to transfer and appropriate a sum of money to various accounts for meeting the remaining expenses for FY19; or take any action relative thereto.

By Board of Selectmen

**Summary:**

This article authorizes fund transfers to cover anticipated shortfalls in specific line items in current fiscal year funding.

BOARD OF SELECTMEN RECOMMENDATION: *Report at Town Meeting*

FINANCE COMMITTEE RECOMMENDATION: *Report at Town Meeting*

*(Majority vote required)*

### **ARTICLE 10** **IMPROVE COMMUNICATION FOR ER RESPONSE AT BEACHES**

To see if the Town will transfer from free cash and appropriate the sum of **\$75,000** to purchase and install fiber optic cable, radio repeaters and phone call boxes to provide needed communication in case of emergency to Eastham beaches with low or non-existent cellphone signal to improve emergency response to those beaches; and to purchase ER kits, supplies and improved signage; or take any action relative thereto.

By Board of Selectmen

**Summary:**

The purpose of this article is to make improvements in our communication (radio, cellular, and internet) to be able to respond better to any emergency at the beaches. The town conducted a survey of cellular coverage and found very low or non-existent signal strength on the ocean beaches and at south sunken meadow on the bayside. We would like to address these problems prior to the summer. We also need to make an investment in new signage and other emergency equipment.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: 7-0

*(4/5ths Majority vote required)*

### **ARTICLE 11** **FUND EASTHAM 400 COMMEMORATION COMMITTEE**

To see if the Town will transfer from available funds the sum of **\$25,000** to assist the Eastham 400 Commemoration Committee in preparing programs, special events, and other related expenses for the commemoration of the first landing; and further that said funds shall be authorized to be spent by the Board of Selectmen, or to take any action relative thereto.

By Board of Selectmen

**Summary:**

At Annual Town Meeting 2018 the Town established the Eastham 400 Commemoration Committee. This article allocates funding for the committee to use in planning programs for 2020.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: 7-0

*(Majority vote required)*



## TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

### **ARTICLE 12** **ANNUAL OPERATING BUDGET**

To see if the Town will vote to act on the operating budget, including recommendations and reports of the Selectmen, Finance Committee and other Town Officials, and to see if the Town will vote to raise and appropriate or transfer from receipts reserved, and other available funds and accounts, the sum of **\$30,741,731** and further to transfer from the dog receipts reserved (free cash so called) the additional sum of **\$2,500** to the Library, line item 60; or take any action relative thereto.

By Board of Selectmen

#### Summary:

Article 12 contains the operating expenses for all the municipal departments including all three schools (Eastham Elementary, Cape Cod Regional Technical High School and the Nauset Regional School District). This year the total budget is up by 5.6%, excluding debt, and is a balanced budget. It is within the levy limit of proposition 2 ½ and requires no override. An examination of the various sections of the budget shows increases in some areas and reductions in others, resulting in an overall increase. This year, we have incorporated expenses such as adding to the Town's Stabilization Fund and setting aside funds towards the Town's OPEB liability into the operating budget instead of keeping them as separate articles. This alone results in an increase in the operating budget of \$245,000 towards the Town's reserves and \$83,135 towards the school regional school OPEB contribution. These are in effect, transfers into special savings rather than a traditional expenditure of funds and we believe that this is responsible financial planning for the future. Without this additional amount in the operational budget the general government portion of the budget has an increase of 1.7% from last year. The most dramatic increase in the overall budget is in the debt sector, where the water borrowing, the Tech school, and other approved capital projects have increased our debt principal and interest payment by \$951,413. While expected, this is clearly driving the escalation of budget numbers for the next few years until it levels off in FY24.

Other general government expense reflects the rise in employee retirement expense which rose just under \$200,000 or 13.45%, while employee health costs remained level funded. Public safety budgets are up by \$396,295 or 7.97%, partially due to capital leases being transferred into the operating portion of this budget and partially due to an increase in staffing costs. Health and Human Services increased by \$150,000, however, \$75,000 is landfill testing expenses that were previously in the sanitation budget. The other additions in this section are extra part-time hours for both the Council On Aging and the Health Department, the latter to assist with the rental inspection program. The public works budget has decreased by 2%. The school budgets as a whole reflect an increase of \$225,771 or a 2.6% increase for this year. In addition, the Nauset Regional High School has requested an additional \$83,135 to contribute to their OPEB liability and we have placed this in a separate line within the operating budget. Altogether, the three schools and OPEB combined produced an overall increase in educational spending of \$308,906 or 3.5% increase for next year.

The budget, as presented, includes the continuation of all programs and services and provides for educational services as requested by all three school departments. The overall goal is to temper the larger increases with corresponding restraint whenever possible in order to keep the overall budget amount stable and within the framework of existing revenues so that programs and services are continued at expected levels for the community.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: See recommendations in following Article 12 detail pages  
(Majority vote required)

# TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

## ARTICLE 12 FY20 BUDGET

LINE #	GENERAL GOVERNMENT	FY19 APPROVED BUDGET	FY20 SELECTMEN'S BUDGET	\$ CHANGE	% INC/DEC	FIN COMM REC
1	SELECTMEN/TN ADMINISTRATOR OFFICE SALARY	262,192	203,052	(59,140)		7-0
2	SELECTMEN/TOWN ADMINISTRATOR EXPENSE	14,345	18,045	3,700		7-0
3	FINANCE OFFICE	-	-	-		7-0
4	FINANCE OFFICE SALARY	139,345	166,040	26,695		7-0
5	RESERVE FUND	95,000	340,000	245,000		7-0
6	TOWN ACCOUNTANT OFFICE SALARY	159,261	143,604	(15,657)		7-0
7	TOWN ACCOUNTANT EXPENSE	41,320	45,640	4,320		7-0
8	ASSESSOR OFFICE SALARY	182,060	179,676	(2,384)		7-0
9	ASSESSOR EXPENSE	40,045	40,885	840		7-0
10	ASSESSOR EXPENSE CAPITAL	6,897	-	(6,897)		7-0
11	TREASURER/COLLECTOR OFFICE SALARY	197,359	205,142	7,783		7-0
12	TREASURER/COLLECTOR EXPENSE	11,420	13,420	2,000		7-0
13	LEGAL SERVICES EXPENSE	80,000	80,000	-		7-0
14	IT DEPARTMENT SALARY	148,382	123,640	(24,742)		7-0
15	IT DEPARTMENT EXPENSE	149,632	182,728	33,096		7-0
16	TAX TITLE EXPENSE	7,000	10,000	3,000		7-0
17	CENTRAL PURCHASING SUPPLY & SERVICE	112,000	117,788	5,788		7-0
18	TOWN CLERK/ELECTIONS OFFICE SALARY	106,262	114,354	8,092		7-0
19	TOWN CLERK/ELECTIONS EXPENSE	10,515	10,515	-		7-0
20	NATURAL RESOURCES/CONSERVATION SALARY	362,749	399,747	36,998		7-0
21	NATURAL RESOURCES/CONSERVATION EXPENSE	29,665	29,665	-		7-0
22	NATURAL RESOURCES/CONSERVATION CAPITAL	14,571	14,571	-		7-0
23	ENVIRONMENTAL PLANNING/ HOUSING/GIS	101,576	106,718	5,142		7-0
24	ENVIRONMENTAL PLNG/ HSG/GIS EXPENSE	4,365	5,045	680		7-0
25	ENERGY FUELS EXPENSE	275,240	288,854	13,614		7-0
26	ENGINEERING & SUPPORT SERVICES EXPENSE	20,000	20,000	-		7-0
		<b>\$ 2,571,202</b>	<b>\$ 2,859,130</b>	<b>\$ 287,928</b>	<b>11.20%</b>	
	<b>PUBLIC SAFETY &amp; INSPECTIONAL SERVICES</b>					
27	POLICE SALARY	1,700,744	1,777,552	76,808		7-0
28	POLICE EXPENSE	176,868	183,436	6,568		7-0
29	POLICE CAPITAL	-	14,241	14,241		7-0
30	FIRE SALARY	2,213,503	2,386,749	173,246		7-0
31	FIRE EXPENSE	165,239	185,289	20,050		7-0
32	FIRE CAPITAL EXPENSE	30,453	155,130	124,677		7-0
33	DISPATCHING SALARY	372,757	387,515	14,758		7-0
34	DISPATCHING EXPENSE	2,700	2,700	-		7-0

# TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

35	BUILDING/PLMBG/ELEC INSPECTION SALARY	289,065	259,584	(29,481)	7-0
36	BUILDING INSPECTION EXPENSE	5,830	7,255	1,425	7-0
37	BUILDING INSPECTION CAPITAL	6,897	-	(6,897)	7-0
38	EMERGENCY MANAGEMENT EXPENSE ( CIVIL DEFENSE)	100	1,000	900	7-0
39	TREE WARDEN EXPENSE/DUTCH ELM/INSECT PEST	7,590	7,590	-	7-0
		<b>\$ 4,971,746</b>	<b>\$ 5,368,041</b>	<b>\$ 396,295 7.97%</b>	
<b>EDUCATIONAL SERVICES</b>					
40	EASTHAM ELEMENTARY SCHOOL OPERATIONS	3,587,473	3,677,160	89,687	7-0
41	EASTHAM ELEMENTARY SCHOOL ENCUMBRANCES	-	-	-	7-0
42	NAUSET REGIONAL MIDDLE SCHOOL OPERATING	1,249,425	1,281,995	32,570	7-0
43	NAUSET REGIONAL HIGH SCHOOL OPERATING	1,793,324	1,831,686	38,362	7-0
44	NAUSET REGIONAL REGION ONLY EXPENSES	1,436,312	1,476,735	40,423	7-0
45	NAUSET REGIONAL CENTRAL OFFICE	161,732	167,469	5,737	7-0
46	NAUSET REGION DEBT ASSESSMENT	51,400	54,698	3,298	7-0
47	NAUSET REGION CAPITAL ASSESSMENT	107,880	110,643	2,763	7-0
48	NAUSET REGION OPEB FUNDING	-	83,135	83,135	1-6
49	CAPE COD REGIONAL TECHNICAL SCHOOL OPERATING	454,819	467,750	12,931	7-0
50	CAPE COD REGIONAL TECHNICAL SCHOOL CAPITAL	-	-	-	7-0
		<b>\$ 8,842,365</b>	<b>\$ 9,151,271</b>	<b>\$ 308,906 3.49%</b>	
<b>PUBLIC WORKS &amp; SANITATION</b>					
51	GENERAL MAINTENANCE SALARY	554,504	625,297	70,793	7-0
52	GENERAL MAINTENANCE EXPENSE	169,587	170,007	420	7-0
53	GENERAL MAINTENANCE CAPITAL	118,865	103,865	(15,000)	7-0
54	MUNICIPAL BUILDINGS SALARY	117,114	96,907	(20,207)	7-0
55	MUNICIPAL BUILDINGS EXPENSE	77,323	77,323	-	7-0
56	SNOW & SANDING EXPENDITURES	83,132	83,104	(28)	7-0
57	STREET LIGHTING EXPENSE	7,600	7,600	-	7-0
58	WASTE COLLECTION & DISPOSAL SALARY	221,854	208,562	(13,292)	7-0
59	WASTE COLLECTION & DISPOSAL EXPENSE	587,684	479,350	(108,334)	7-0
60	WATER OPERATIONS SALARY	50,869	86,906	36,037	7-0
61	WATER OPERATIONS EXPENSE	290,000	290,000	-	7-0
		<b>\$ 2,278,531</b>	<b>\$ 2,228,920</b>	<b>\$ (49,611) -2.18%</b>	
<b>HEALTH &amp; HUMAN SERVICES</b>					
62	VETERANS' GRAVE OFFICER	75	75	-	7-0
63	PUBLIC HEALTH SALARY	203,363	233,597	30,234	7-0
64	PUBLIC HEALTH EXPENSE	25,620	101,380	75,760	7-0
65	INSPECTION OF ANIMALS EXPENSE	250	7,750	7,500	7-0
66	COUNCIL ON AGING SALARIES	242,790	271,715	28,925	7-0
67	COUNCIL ON AGING EXPENSE	26,824	31,426	4,602	7-0
68	COUNCIL ON AGING CAPITAL	-	-	-	7-0

# TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

69	VETERANS' SERVICES - EXPENSE	20,053	20,400	347	7-0
70	VETERANS' SERVICES - BENEFITS	17,000	17,000	-	7-0
71	HUMAN SERVICES AGENCIES	97,800	99,600	1,800	7-0
		<b>\$ 633,775</b>	<b>\$ 782,943</b>	<b>\$ 149,168 23.54%</b>	
<b>CULTURE &amp; RECREATION</b>					
72	LIBRARY SALARY	338,123	381,077	42,954	6-0-1
73	LIBRARY EXPENSE	125,230	119,801	(5,429)	6-0-1
74	BEACH & RECREATION SALARY	336,939	355,192	18,254	6-0-1
75	BEACH & RECREATION EXPENSE	86,722	86,962	240	6-0-1
76	BEACH & RECREATION CAPITAL	5,095	5,095	-	6-0-1
		<b>\$ 892,109</b>	<b>\$ 948,127</b>	<b>\$ 56,019 6.28%</b>	
<b>DEBT AND BANKING SERVICES</b>					
77	LIBRARY BOND	225,000	225,000	-	7-0
78	INTEREST EXPENSE (LONG/SHORT TERM)	1,343,000	1,802,152	459,152	7-0
79	TAX ANTICIPATION NOTES/BANS	10,000	10,000	-	7-0
80	SEPTIC BETTERMENT LOANS	20,400	20,400	-	7-0
81	PURCELL LAND PURCHASE	50,000	50,000	-	7-0
82	EASTHAM ELEMENTARY SCHOOL RENOVATION	390,000	390,000	-	7-0
83	MUNICIPAL WATER - GENERAL OBLIGATION BOND (1)	395,000	390,000	(5,000)	7-0
84	MUNICIPAL WATER - GENERAL OBLIGATION BOND (2)	113,000	117,000	4,000	7-0
85	MCWT (DW-15-01)	592,000	606,280	14,280	7-0
86	MCWT (DW-15-01-A)	54,000	54,513	513	7-0
87	MCWT (DW-16-02)	240,000	246,070	6,070	7-0
88	MCWT (DW-16-16)	-	89,913	89,913	7-0
89	MCWT (DW-17-01)	-	-	-	7-0
90	MUNICIPAL WATER USDA (1)	26,000	28,231	2,231	7-0
91	TOWN GO BOND (TRI-TOWN, POLICE RENO, ROCK HARBOR)	-	190,000	190,000	7-0
92	CAPE COD TECH SCHOOL		113,281	113,281	7-0
93	ROCK HARBOR - GENERAL OBLIGATION BONDS	72,000	73,000	1,000	7-0
94	BANK AGENT PAYING FEES & CHARGES	76,000	151,973	75,973	7-0
		<b>\$ 3,606,400</b>	<b>\$ 4,557,813</b>	<b>\$ 951,413 26.38%</b>	
<b>OTHER EXPENSES (GENERAL GOVERNMENT)</b>					
95	EMPLOYEE BENEFITS/TRAINING	16,500	16,850	350	7-0
96	BARN. COUNTY RETIREMENT ASSESSMENT	1,559,905	1,769,636	209,731	7-0
97	TOWN INSURANCE - UNEMPLOYMENT EXPENSE	20,000	20,000	-	7-0
98	TOWN INSURANCE - EMPLOYEE EXPENSE HEALTH	2,635,794	2,661,500	25,706	7-0
99	TOWN INSURANCE - TOWN PROTECTION (PROP & LIAB)	366,500	377,500	11,000	7-0
		<b>\$ 4,598,699</b>	<b>\$ 4,845,486</b>	<b>\$ 246,787 5.37%</b>	
<b>TOTAL</b>		<b>\$ 28,394,826</b>	<b>\$ 30,741,731</b>	<b>\$ 2,346,905 8.27%</b>	

# TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

## **ARTICLE 13** **ANNUAL CAPITAL ACQUISITION ARTICLE**

To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of **\$842,500** to purchase the following capital items, make improvements to capital facilities as listed below; or take any action relative thereto.

By Board of Selectmen

### Summary:

Article 13 represents the Capital Plan for the coming year, covering all departments and the Eastham Elementary School and includes vehicles, technology upgrades, and improvements to municipal buildings. Each year town departments, including the elementary school, work with the Town Administrator and Finance Director to prioritize items from the five-year plan, and recommend them for funding in the current budget cycle. Article 13 details the capital needs for the coming year and is the acquisition article for those items. The plan as presented continues our investment in improving IT services, replaces vehicles, provides necessary maintenance to town buildings, and continues the Town's investment in finding wastewater solutions for the continued health of our local bodies of water.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: 7-0

*(Majority vote required)*

### **FY20 CAPITAL ARTICLE**

#### **ARTICLE 13**

ITEM	DEPARTMENT/CAPITAL ITEM	FY20 BUDGET	FUNDING SOURCE
<b>INFORMATION TECHNOLOGY</b>			
1	COMPUTER HARDWARE/SOFTWARE (INC. FINANCIAL SOFTWARE UPGRADES)	\$55,000	F
2	WIRELESS UPRADE TOWN HALL	\$6,000	F
3	SOFTWARE UPGRADES/CLOUD APPLICATIONS	\$25,000	F
<b>LIBRARY</b>			
4	UPGRADE 6 PUBLIC PCs (50% OF THE COST)	\$5,000	F
5	UPGRADE CIRCULATION PCs (50% OF THE COST)	\$5,000	F
6	UPGRADE STAFF PCs (50% OF THE COST)	\$5,000	F
7	UPGRADE CHILDREN STAFF PCs (50% OF THE COST)	\$5,000	F
8	UPDATE WIRELESS ACCESS POINTS & NETWORK EQUIPMENT	\$5,000	F
<b>VIDEO SERVICES</b>			
9	UPGRADE OF BROADCAST PIX SYSTEM (FROM ANALOG TO DIGITAL)	\$50,000	SF
<b>SUBTOTAL</b>		<b>\$161,000</b>	
<b>ALL MUNICIPAL BUILDINGS</b>			
10	PROJECT CONTINGENCY: MAJOR REPAIRS, PAINTING ETC.	\$50,000	F
<b>TOWN HALL</b>			
11	MECHANICAL SYSTEMS OVERHAUL	\$100,000	F

# TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

## COA

12	REMOVE GAZEBO	\$6,000	F
13	PAINTING	\$5,000	F
<b>FIRE</b>			
14	BUILDING REPAIRS & MAINT	\$10,000	F
15	HEAT/COOL MECHANICAL SYSTEMS OVERHAUL	\$90,000	F
<b>DPW</b>			
16	COPIER	\$5,000	F
17	INFO/WINDMILL/CEMETARIES/BACKET PORTABLES	\$7,000	F
<b>SUBTOTAL</b>		<b>\$273,000</b>	

## SCHOOL

18	COMPUTER HARDWARE	\$25,000	F
19	PHONE SYSTEM UPGRADE	\$70,000	F
20	ROUTINE PAINTING ROTATION	\$5,000	F
<b>SUBTOTAL</b>		<b>\$100,000</b>	

## BEACHES/RECREATION

21	UPGRADE/ADA BATH HOUSES	\$20,000	F
22	BEACH SHACK REPLACEMENTS	\$9,000	F
<b>SUBTOTAL</b>		<b>\$29,000</b>	

## DPW

23	ORDINARY ROAD M&R (NOT CHAP 90)	\$50,000	F
24	RECYCLING COMPACTOR	\$40,000	F
25	STORM DRAIN IMPROVEMENTS	\$20,000	F
26	MOWER REPLACEMENTS	\$20,000	F
27	TRANSFER STATION TRUCK	\$40,000	F
<b>SUBTOTAL</b>		<b>\$170,000</b>	

## POLICE

28	UNMARKED ADMIN VEHICLE - 4X4 (3YR LEASE)	\$14,500	F
29	CRUISERS (2)	\$72,000	T
30	REPLACE BULLET PROOF VESTS	\$20,000	F
<b>SUBTOTAL</b>		<b>\$106,500</b>	

## FIRE

31	AIR PACKS	\$10,000	A
32	REPLACE GAS METER & FIRE SUPPRESSION FOAM	\$10,000	A
33	RADIO REPLACEMENTS	\$35,000	T

## RESCUE/MEDICAL EQUIP UPGRADE/REPLACEMENT

34	SPECIALTY GEAR	\$10,000	A
35	FIRE HOSE	\$20,000	A
<b>SUBTOTAL</b>		<b>\$85,000</b>	

## MISC

36	COASTAL EROSION PLANNING	\$25,000	SF
37	FRESH WATER POND STUDIES & REMEDIATION	\$100,000	D

## TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

38	WASTE WATER/208 SOLUTIONS/POND REMEDIATION (DEBT EXCLUSIONS)	\$850,000	D
	<b>SUBTOTAL</b>	<b>\$975,000</b>	
	<b>TOTAL CAPITAL EXPENSES</b>	<b>\$1,899,500</b>	
	(KEY)		
	F = FREE CASH	717,500	
	SF = SPECIAL FUND (50K CABLE, 50K CPA, 25K LAND)	75,000	
	A = AMBULANCE RECEIPTS	50,000	
	T = TAX LEVY	107,000	
	D = CAPITAL DEBT EXCLUSION	950,000	
	<b>TOTAL</b>	<b>1,899,500</b>	

### **ARTICLE 14** **FIVE-YEAR CAPITAL PLAN**

To see if the Town will, in accordance with Chapter 6-6A of the Eastham Home Rule Charter, vote to accept the Capital Improvement Plan for FY19-FY23 as printed below; or take any action relative thereto.

By Board of Selectmen

**Summary:**

The five-year Capital Plan, covering all departments and the Eastham Elementary School, includes vehicles, technology upgrades, and improvements to municipal buildings. Each year town departments, including the elementary school, submit items for inclusion on the five-year plan, which are reviewed and placed on the plan. The current year's plan for capital expenditures is called the acquisition article and is shown as Article 13. Article 13 represents the items the town will purchase or invest in for the coming fiscal year. Article 14 details the current five-year plan and includes such items as: technology, radio & equipment replacements, wastewater planning and implementation expenses, vehicle replacements that come due for town departments, large maintenance items for town buildings such as replacing HVAC systems or roofs, road maintenance, and cloud-based software improvements. Some new items that have been placed on the plan for future years include a ladder truck for the Fire Department, possible upgrades to the Council on Aging building and the DPW building and expenses anticipated for wastewater mitigation. All amounts and items shown in the five-year capital improvement plan are estimates and subject to review, refinement, additions, and deletions at each town meeting where the plan is authorized.

**BOARD OF SELECTMEN RECOMMENDATION: 5-0**

**FINANCE COMMITTEE RECOMMENDATION: 7-0**

*(Majority vote required)*









TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019



## TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

### **ARTICLE 15** **WASTEWATER CAPITAL FUNDING**

To see if the Town will vote to raise and appropriate, borrow and/or transfer from available funds the sum of **\$950,000** for costs associated with continuation of the wastewater engineering and study for traditional and non-traditional systems for watershed protection of Salt Pond and the Nauset Estuary/Town Cove, working towards a Targeted Watershed Management Plan, including all costs incidental and related thereto; and further that such appropriation shall not take effect until after a positive vote to exempt from the limitation on taxes under G.L. c 59 S 21C, proposition 2 ½ so called; or take any action relative thereto.

By Board of Selectmen

#### Summary:

The Town has developed a five-year plan to address continuing wastewater needs and planning to comply with the Barnstable County 208 plan. The plan identifies the need for denitrification of our resource areas (Salt Pond, Nauset Estuary, Rock Harbor) and ponds. This is year two of the plan and continues to address stormwater issues in two areas, includes the construction of a permeable reactive barrier for the Nauset Road side of Salt Pond, a shellfish demonstration project, and the initial design of a traditional sewer system. We hope to work closely with the Town of Orleans in this next phase to address our shared waterbodies of Town Cove and Rock Harbor. The scope of services will target the development of a Targeted Watershed Management Plan (TWMP) which is necessary to qualify for funding assistance and for regulatory compliance.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: 7-0

*(2/3rds Majority vote required)*

### **ARTICLE 16** **GENERAL BYLAW – DELINQUENT TAXPAYERS**

~~Strikethrough~~ = Language proposed for deletion

Underline = Language proposed for inclusion

To see if the Town will vote to amend the Eastham General Bylaw **ARTICLE I, CHAPTER 90, Delinquent Taxpayers**, with underlined text to be inserted and ~~strikethrough~~ text to be deleted, as follows:

§ 90-1 Authority to deny license or permit.

In accordance with the provisions of MGL, c. 40, § 57, as amended, the Town may deny any application for, or revoke or suspend a building permit, or any local license or permit, including renewals and transfers, issued by any board, officer, department for any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges, including amounts assessed under the provisions of MGL c. 40, § 21D, or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate whose owner has neglected to pay any local taxes, fees, assessments, betterments or any other municipal charges.

§ 90-2 List of delinquent taxpayers.

The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the "tax collector," shall annually and may periodically, furnish to each department, board, commission or division, hereinafter referred to as the "licensing authority," that issues licenses or permits, including renewals and transfers, a list of any person, corporation or business enterprise, hereinafter referred to as the "party," that has neglected or refused to

## TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

pay any local taxes, fees, assessments, betterments or other municipal charges ~~for not less than a twelve-month period~~, and that such party has not filed in good faith a pending application for an abatement of such tax or pending petition before the Appellate Tax Board.

### § 90-3 Denial, revocation or suspension of license or permit.

The licensing authority may deny, revoke or suspend any license or permit which it has the authority to issue, including renewals and transfers, of any party whose name appears on said list furnished to the licensing authority from the tax collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the tax collector; provided, however, that written notice is given to the party and the tax collector as required by applicable provisions of law and the party is given a hearing, to be held not earlier than 14 days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purpose of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this bylaw shall not be reissued or renewed until the licensing authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

### § 90-4 Payment agreements.

Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit, and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

### § 90-5 Waivers.

The Board of Selectmen may waive such denial, suspension or revocation if it finds that there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in MGL c. 268A, § 1, in the business or activity conducted in or on said property.

### § 90-6 Exemptions.

As limited by MGL c. 40, § 57, this bylaw shall not apply to licenses and permits for the following: open burning, bicycles permits, sales of articles for charitable purposes, children work permits, clubs and associations dispensing food or beverage, dog licenses, fishing, hunting, trapping licenses, marriage licenses, and theatrical events, public exhibition permits.

or take any action relative thereto.

By Board of Selectmen

### Summary

This article updates a Town bylaw that has been in place since 2009. The Municipal Modernization Act of 2016 requires an amendment to the existing bylaw.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: *Report at Town Meeting*

(*Majority vote required*)

# TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

## ARTICLE 17 ZONING

~~Strikethrough~~ = Language proposed for deletion

Underline = Language proposed for inclusion

To see if the Town will vote to amend the Eastham Zoning Bylaw, **SECTION IX – INTENSITY REGULATIONS, SUBSECTION D – RESIDENTIAL LOT INTENSITY** by inserting the following language:

6. Any interior changes to existing framed structures where alterations will not result in changes to the exterior of the building footprint or visible changes to the site are exempt from site plan review.

or take any action relative thereto.

By Eastham Planning Board

### Summary:

This article will streamline the regulatory permitting process for property owners by alleviating the need to obtain site plan approval for alterations that are contained to the interior of an existing structure.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: 7-0

PLANNING BOARD RECOMENDATION: 5-0-0

*(2/3rds Majority vote required)*

## ARTICLE 18 ZONING

~~Strikethrough~~ = Language proposed for deletion

Underline = Language proposed for inclusion

To see if the Town will vote to amend the Eastham Zoning Bylaw, **SECTION XII – ADMINISTRATION** by reformatting the section and inserting the following language:

### B. SPECIAL PERMITS

1. Special Permits shall only be issued after a public hearing; which shall be held within 65 days after the filing of a special permit application with the Town Clerk, or special permit granting authority as may be required under Chapter 808 of the Acts of 1975, as amended. ~~The Planning Board shall be the Special Permit Granting Authority for Site Plan Approval.~~<sup>134</sup>
2. ~~€.~~ All special permits shall lapse three (3) years from date of issue unless construction or operation under said permit has commenced. All rights authorized by a variance shall be exercised within one (1) year of the date of grant of such variance. If a matter is under court appeal, a special permit or variance shall be deemed issued on the date that a final court determination enters in the case.

### ~~C.-F.~~ OUTSIDE CONSULTANTS

1. ~~The Planning Board when sitting as a~~ A Special Permit Granting Authority may impose a reasonable fee on the applicant for the employment of outside consultants. Upon the selection of an outside consultant by majority vote of the ~~Planning Board, Special Permit Granting Authority~~ the applicant has 30 days to appeal the selection to the Board of Selectmen pursuant to the grounds set forth in M.G.L. Chapter 44, Section 53G.

## TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

### D. ENFORCEMENT

1. This bylaw shall be enforced by the Building Commissioner. No building shall be erected or altered and no use of land or building shall commence or change except upon issuance of a permit by the Building Commissioner. Such permit shall be posted in a conspicuous place on the premises.
2. Any person, association, firm or corporation violating any of the provisions of this bylaw may be fined not more than \$300 for each offense. Each day that such a violation continues shall constitute a separate offense.
3. Noncriminal Disposition process. Violations of the zoning bylaw provisions may be sanctioned through the noncriminal disposition process authorized by Massachusetts General Laws Chapter 40, Section 21D, as amended. Resort to this noncriminal disposition method shall lie within the discretion of the Building Commissioner, or his or her designee. The option of noncriminal disposition shall exist in addition to all other available enforcement alternatives.
4. The enforcement officer who takes cognizance of a violation of the bylaw subject to this noncriminal disposition process and who elects, as an alternative to criminal process, to proceed with noncriminal enforcement, shall give the offender a written notice to appear before the clerk of the Orleans Division of the District Court Department at any time during office hours, but not later than twenty-one (21) days after the date of such notice.

Each day during which a violation of a zoning bylaw provision continues shall be deemed to be a separate offense subject to the noncriminal disposition process.

~~D. This By law shall be enforced by the Building Inspector. The Building Inspector may resort to the Courts for injunctions or other appropriate remedies.~~

~~E. The penalty for violation of any provision hereof shall be a fine of not more than \$500.00 for each offense. Each violation and each day of violation shall constitute a separate offense, punishable by fine.~~

or take any action relative thereto.

By Eastham Planning Board

Summary:

This article will align Eastham's local regulations pertaining to the mechanism for zoning enforcement with the State statute under MGL Chapter 40A section 21D. The article also adjusts the penalty amount to align with the requirements under MGL Chapter 40A Section 7. Formatting changes are proposed to improve clarity.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: 7-0

PLANNING BOARD RECOMENDATION: 5-0-0

*(2/3rds Majority vote required)*



# TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

## Article 19 ZONING

~~Strikethrough~~ = Language proposed for deletion

Underline = Language proposed for inclusion

To see if the Town will vote to amend the Eastham Zoning Bylaw, **SECTION II.A - ZONING DISTRICTS** as follows:

~~**DISTRICT C**—An area to serve the industrial needs of the community.~~

~~**DISTRICT D**—A retail sales and/or service area.~~

~~**NORTH EASTHAM OVERLAY DISTRICT I**<sup>1</sup>—An area overlying Districts A, C and D and a portion of District E, available for optional village style mixed use development, and as shown on the map entitled “Overlay District Vision Study” dated February 20, 2014 rev. March 5, 2014.~~

### **DISTRICT I<sup>2</sup> – EASTHAM CORRIDOR SPECIAL DISTRICT**

The purpose of the Eastham Corridor Special District (ECSD), as designated in Barnstable County Ordinance 17-12, is to enhance and protect the character of Eastham’s commercial areas, encourage mixed-use development, support and enhance the economy in North Eastham, improve bicyclist and pedestrian safety and access along the Route 6 corridor, minimize traffic conflicts and improve access management throughout the District, expand opportunities for creation of affordable housing, and adopt best management practices to manage nutrients discharged through stormwater within the District.

And to further amend

### **SECTION III – DEFINITIONS** by inserting the following language

Accessory Dwelling Unit (ADU): Shall be a separate housekeeping unit containing independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Which may be incorporated within a lawful principal single-family dwelling or commercial structure or within a detached building accessory to and on the same lot as a lawful principal single-family dwelling or commercial structure which the ADU shall be clearly subordinate in design to that principal single-family dwelling.

And to further amend

### **SECTION V - USES** as follows:

~~**DISTRICT C**—Manufacturing, assembling, processing, packaging, warehousing, storage and shipping of non hazardous or non toxic goods and materials; plumbing, electrical, carpentry or similar service and repair facilities; concrete batching plants; manufacturing of house framing, furniture and like products; repair shops for automobiles, trucks and marine equipment; contractors’ yards; boat building, repairs and storage; rental of automobiles, trucks and trailers; wholesale bakeries; auction houses, kennels. Except as otherwise noted sales, retail or wholesale, shall be permitted so long as they are strictly incidental to the primary use and~~

## TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

~~provided that a designated sales area, separate from the operational area, is maintained in order to provide for the protection and safety of customers. No residences shall be allowed.~~

~~Business band radio antennas are allowed in this district subject to the building height restrictions of these By Laws.~~

~~Any light industry or heavy industry not specifically permitted above may be permitted by a grant of a Special Permit from the Zoning Board of Appeals. Upon application for a Special Permit to the Zoning Board of Appeals, the Board shall conduct a public hearing on said application within sixty five (65) days after the filing of the application pursuant to Massachusetts General Laws, Chapter 40A, Section 9. A decision by the Zoning Board of Appeals based upon an application for a Special Permit shall be based upon an evaluation of all the evidence presented at the public hearing by the Petitioner and interested parties as it relates to the fulfillment of the spirit and intent of this By law without substantial detriment to the public good or any neighborhood affected. Such permits may also impose conditions, safeguards, and limitations on the applied for use which are necessary to the fulfillment of the intent of this By law without causing substantial detriment to the public good or to any neighborhood affected.~~

~~Adult uses as defined in Section II of this by law may only be permitted by a grant of a special permit by the Zoning Board of Appeals.~~

**~~DISTRICT D~~** ~~Antique shops, craft and gift shops, hair styling and barber shops, offices, art galleries, banks, animal hospitals, kennels, funeral homes, nurseries and florists, fitness centers, lodges, retail stores and shops. Residential apartments are allowed above businesses of a permitted nature provided such residences occupy no more than 50% of the structure.<sup>3</sup>~~

~~In any Convenience Store, as defined in Section II – Definitions, no food preparation or heating will take place on the premises except the preparation of hot beverages. All food is to be sold in sealed packages, with the exception of fresh produce~~

And to further amend

### **SECTION VIII – PROHIBITED USES** as follows

The following uses shall be prohibited in the Town of Eastham in Districts A, B, ~~C, D~~, E, F, G and H

And to further amend

### **SECTION IX – INTENSITY REGULATIONS, SUBSECTIONS A.3 and A.4** as follows:

3. In Districts B, ~~C, D~~, and E, no business structure shall be built on a lot with an area of less than 40,000 square feet.

4. All lots in Districts A, B, ~~C, D~~, and E shall have frontage of at least 50 feet on an accepted public way, a way shown on a plan approved or endorsed in accordance with the subdivision control regulations or a way in existence when the subdivision control law became effective having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed land use. Panhandle lots shall have frontage of at least 40 feet on an accepted public way or private way as described above

## TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

And to further amend

**SECTION IX – INTENSITY REGULATIONS**, by inserting immediately after the heading the following new subheading:

See also **SECTION V - DISTRICT I** for setback requirements for properties located within the Eastham Corridor Special District.

And to further amend Section IX – Intensity Regulations, Subsection B.2 by deleting the text struck-through below as follows:

2. In Districts B, ~~D~~, and E, all new construction, including residential, commercial, or other, shall be set back a minimum of 100 feet from all ways. Side and rear setbacks shall not be less than twenty-five (25) feet.

And to further amend

Section IX – Intensity Regulations, Subsection B.3 by deleting said subsection entirely as follows:

- ~~3. In District C, all new construction shall be set back a minimum of fifty (50) feet from all ways. Side and rear setbacks shall not be less than twelve (12) feet~~

And to further amend Section IX – Intensity Regulations, Subsection B.6 by deleting the text struck-through below as follows:

6. Setback requirements for detached accessory buildings used for any purpose, in Districts A, B, ~~C, D~~, E, G & H, regardless of when the lot was created, shall be
  - a minimum separation of eight (8) feet between all buildings; and
  - a minimum of twelve (12) feet and at least the maximum height of the accessory structure from the side and rear property lines; and
  - thirty (30) from any street or way.

And to further amend

**SECTION X – PARKING REQUIREMENTS** by inserting immediately following the heading the following new subheading:

See also **SECTION V - DISTRICT I** for parking requirements for properties located within the Eastham Corridor Special District.

And to further amend

**SECTION XI – LANDSCAPING REQUIREMENTS** by inserting immediately following the heading the following new subheading:

See also **SECTION V - DISTRICT I** for properties located within the Eastham Corridor Special District (ECSD).

## TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

And to further amend

**SECTION XI – LANDSCAPING REQUIREMENTS** by revising the opening sentence as follows:

In Districts B, ~~C, D,~~ and E, excluding one (1) and two (2) family dwellings, the following landscaping standards shall be in effect:

And to further amend

**SECTION XIII – SITE PLAN APPROVAL – SPECIAL PERMIT** by inserting immediately following the heading the following new subheading:

See also **SECTION V - DISTRICT I** for properties located within the Eastham Corridor Special District (ECSD).

And to further amend

**SECTION XVIII – TOWN OF EASTHAM SIGN CODE** amending the table describing the type and size of permitted signs by deleting the section heading struck-through below and replacing them with the corresponding new zoning district section headings as follows:

~~District C Industrial-TP Trade Park~~

~~District D Retail Sales and Service~~

District CC-Core Commercial

District TC - Transition Commercial

District LC -Limited Commercial

District OF – Office Residential

And to further amend

**APPENDIX – ZONING DISTRICT BOUNDARIES** as follows:

**~~DISTRICT C:~~<sup>4</sup>**

~~Bounded on the north by the southerly lot line of Lots B41-1Y and BRC, the southerly and easterly lot lines of Lot B41-1B-4, and the southerly side line of Brackett Road; on the east by the westerly side line of the Cape Cod Rail Trail/former Penn Central Railroad right of way; on the south by the southerly lot line of B41-6B & T; and on the west by the westerly lot line of Lots 41-6B and T, B41-6C, B41-1T, B41-U, B41-1AA, B41-1V-2, and from the northwest corner of Lot B41-1V-2 to the southwest corner of Lot B41-1Y and the point of beginning.~~

**~~DISTRICT D:~~**

~~EAST PORTION: Excluding land in District C above, bounded on the north by the north lot line of B32-4C, B32-5A and B32-6; on the east by the Cape Cod Rail Trail/former Penn Central Railroad right of way; on the south by Orchard Road, and on the west by Route 6.~~

## TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

~~WEST PORTION: Bounded on the north by the north lot line of B35, Lot NV29; on the east by Route 6; on the south by the south lot line of B41, Lot FS-1; and on the west by Massasoit Road, Oak Road, and the west lot lines of B35, Lots B35-12D, B35-12B, and B35-NV29;<sup>5</sup> and Lots EGB-B, EGB-C, EGB-1, EGD-2, EGB-3, and B40-4-1.~~

### **DISTRICT I – EASTHAM CORRIDOR SPECIAL DISTRICT**

Shown on a map entitled “Eastham Corridor Special District (ECSD)” Adopted May 7, 2018

Add boundary description from original DCPC

### **GROUNDWATER PROTECTION DISTRICT**

Shown on a map entitled “Town of Eastham Groundwater Protection Overlay District” dated January 7, 2016

or take any action relative thereto.

By Eastham Planning Board

#### Summary:

The amendments proposed in this article are housekeeping items intended to correct references to various sections of the bylaw which were altered by changes to the zoning bylaw adopted at the 2018 Annual Town Meeting.

Certain amendments in this article are proposed to add clarity and ease of reference.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: 7-0

PLANNING BOARD RECOMENDATION: 5-0-0

*(2/3rds Majority vote required)*

## **ARTICLE 20**

### **ZONING**

~~Strikethrough~~ = Language proposed for deletion

Underline = Language proposed for inclusion

To see if the Town will vote to amend the Eastham Zoning Bylaw, **SECTION VII ACCESSORY USES SUBSECTION C ACCESSORY DWELLING UNITS** by removing the section in its entirety and replacing it with the following:

### **SECTION VII – ACCESSORY USES**

#### **C. Accessory Dwelling Units**

##### **1. Purpose**

- a. To diversify the types of housing available in the community and broaden housing opportunities for households of all income levels, ages and sizes.
- b. To encourage and support a stable and diverse year round community and a robust local workforce.
- c. To prevent the displacement of current Eastham residents and encourage the influx of new residents.

## TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

- d. To encourage a more efficient use of the Town's housing supply and building stock while maintaining the character of the areas in which the Accessory Dwelling Units (ADUs) are located.

### 2. Use Regulations:

Y = Permitted Use      SP = Special Permit      X = Prohibited Use

	<u><b>District A</b></u> <u><b>Residential</b></u>	<u><b>District B</b></u> <u><b>Marina</b></u>	<u><b>District E</b></u> <u><b>Residential/</b></u> <u><b>Limited</b></u> <u><b>Commercial</b></u>	<u><b>District F</b></u> <u><b>Seashore</b></u>	<u><b>District G</b></u> <u><b>Water</b></u> <u><b>Resource</b></u> <u><b>Protection</b></u>	<u><b>District H</b></u> <u><b>Wellhead</b></u> <u><b>Protection</b></u>
<u>ADU</u> <u>located on</u> <u>residential</u> <u>lot</u>	<u>Y</u>	<u>X</u>	<u>Y</u>	<u>SP</u>	<u>Y</u>	<u>X</u>
<u>ADU</u> <u>Located on</u> <u>commercial</u> <u>lot</u>	<u>SP</u>	<u>X</u>	<u>Y</u>	<u>SP</u>	<u>SP</u>	<u>X</u>

<u><b>EASTHAM CORRIDOR SPECIAL DISTRICT (DCPC)</b></u>					
	<u><b>Core</b></u> <u><b>Commercial</b></u>	<u><b>Transition</b></u> <u><b>Commercial</b></u>	<u><b>Trade</b></u> <u><b>Park</b></u>	<u><b>Office</b></u> <u><b>Residential</b></u>	<u><b>Limited</b></u> <u><b>Commercial</b></u>
<u>ADU</u> <u>Located on</u> <u>residential lot</u>	<u>Y</u>	<u>Y</u>	<u>X</u>	<u>Y</u>	<u>Y</u>
<u>ADU</u> <u>Located on</u> <u>commercial</u> <u>lot</u>	<u>Y</u>	<u>Y</u>	<u>X</u>	<u>Y</u>	<u>Y</u>

- a. An Accessory Dwelling Unit (ADU) that conforms to the dimensional requirements of the Eastham Zoning Bylaw shall be permitted as a by right use accessory to a lawful single family dwelling.
- b. Nothing in this bylaw shall be construed as altering or preempting the provisions of District F (Seashore District). Owners of property located within Seashore District are advised to consult with representatives from Cape Cod National Seashore before seeking permits.

### 3. Conditions and Requirements

- a. For residential properties, only one Accessory Dwelling Unit (ADU) is permitted for each principal dwelling unit. The creation of an ADU in addition to an existing guest house located on the site is prohibited.

## TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

- b. The Accessory Dwelling Unit (ADU) shall be a separate housekeeping unit containing independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- c. An Accessory Dwelling Unit (ADU) shall be clearly subordinate in use, size and design to the principal structure on the site. An ADU shall be designed so that, to the maximum extent feasible, the appearance of the property on which it is to be located remains consistent with the principal structure/use on the site and the privacy of abutting properties is maintained.
- d. An Accessory Dwelling Unit (ADU) does not require a minimum acreage of buildable upland.
- e. The Accessory Dwelling Unit (ADU) shall contain no more than two bedrooms. The total number of bedrooms allowed on the subject site shall be limited to the number permitted under Eastham Board of Health regulations and 310 CMR 15.00 - The State Environmental Code, Title 5.
- f. Accessory Dwelling Units shall not be larger than 1200 square feet or fifty percent of the site coverage of the principal dwelling, whichever is smaller. The Zoning Board of Appeals may grant a Special Permit for an Accessory Dwelling Unit exceeding fifty percent of the site coverage of the principal dwelling unit where such unit will not exceed 1200 square feet.
- g. At least one (1) off-street parking space in addition to that required for the principal structure/use is required for each Accessory Dwelling Unit (ADU).
- h. An Accessory Dwelling Unit (ADU) may not be conveyed separate and apart from principal dwelling on the lot, nor shall the principal dwelling and the ADU be converted to condominium form of ownership.
- i. Either the accessory dwelling unit or the principal dwelling to which it is accessory shall be rented and/or leased on a year-round basis. At no time shall both the principal dwelling and the accessory dwelling be rented and/or leased simultaneously for a period of less than twelve (12) consecutive months.

#### **4. Regulatory Review Requirements**

##### **a. Zoning Board of Appeals Approval**

##### **1. Special Permits**

A Special Permit from the Zoning Board of Appeals is required in the following instances:

## TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

- The subject property is preexisting non-conforming to the use, lot size or dimensional setback requirements of the Eastham Zoning Bylaw.
- The proposed Accessory Dwelling Unit (ADU) will result in the increase to a pre-existing non-conformity.
- The proposed Accessory Dwelling Unit (ADU) will exceed fifty percent of the site coverage of the principal dwelling unit.
- The subject property is located within the Seashore District.

The Zoning Board of Appeals shall review the proposed Accessory Dwelling Unit (ADU) utilizing the criteria listed under Zoning Bylaw Section VI.D – Non-Conforming Uses.

### **2. Variances**

- Accessory Dwelling Units (ADUs) shall not be eligible for zoning use variances, or for dimensional variance relief proposing to increase the allowable number of ADUs on a lot.

### **b. Planning Board Approval**

#### **1. Site Plan Approval – Residential (Residential properties all zoning districts)**

Site Plan Approval is required if the proposed Accessory Dwelling Unit (ADU) meets the criteria under Zoning Bylaw Section IX.D – Residential Lot Intensity.

- The Planning Board shall review the proposed Accessory Dwelling Unit (ADU) utilizing the standards and criteria listed under Zoning Bylaw Section XIV.F – Site Plan Approval – Residential.

#### **2. Site Plan Approval – Special Permit (Commercial properties in District E)**

Site Plan Approval - Special Permit is required if the proposed Accessory Dwelling Unit (ADU) meets the criteria under Section XIII.B – Projects Requiring Site Plan Approval – Special Permit.

- The Planning Board shall review the proposed Accessory Dwelling Unit (ADU) utilizing the standards and criteria listed under Zoning Bylaw Section XIII – Site Plan Approval – Special Permit.

#### **3. Accessory Dwelling Units within the Eastham Corridor Special District:**

Minor Site Plan, Major Site Plan or Special Permit approval is required if the proposed Accessory Dwelling Unit (ADU) meets the criteria under Section V.I - Eastham Corridor Special District.



## TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

- The Planning Board or in the case of Minor Site Plan Approval, its designee shall review the proposed Accessory Dwelling Unit (ADU) utilizing the standards and criteria listed under Section V.I. – Eastham Corridor Special District.

### **5. Building and Health Compliance**

- a. The construction of an Accessory Dwelling Unit (ADU) must be in conformity with the Massachusetts State Building Code, the Eastham Board of Health Regulations, including Section III. A. - Rental of Premises to be Used for Human Habitation, the State Environmental Code 310 CMR 15.0 and Massachusetts Housing Code 105 CMR 400 and must be lawful under all other provisions of applicable federal, state and local laws and regulations.

### **6. Monitoring and Enforcement:**

- a. Prior to the issuance of a Building Permit or a Special Permit, a certificate in the form of a notarized affidavit to verify that either the principal dwelling or the accessory dwelling unit will be rented and/or leased for a period of not less than twelve (12) consecutive months shall be submitted to the Building Commissioner.
- b. Use of an ADU shall require the filing of a Certificate of Registration with the Eastham Health Department. The owner shall thereafter renew the rental registration annually with the Eastham Health Department.
- c. A determination that the owner failed to comply with the provisions of this Bylaw shall be evidence that the rights and benefits conferred under the Building Permit, Special Permit, Site Plan Approval or Rental Registration were abandoned or otherwise surrendered and discontinued by the owner and all such rights and benefits shall lapse and the elements that make the accessory dwelling unit a separate dwelling unit shall be removed from the property within 90 days of said final determination, with the owner to comply with all requirements of the Massachusetts State Building Code, the Eastham Board of Health Regulations, the State Environmental Code 310 CMR 15.0 and Massachusetts Housing Code 105 CMR 400 and must be lawful under all other provisions of applicable state and local laws and regulations in removing all elements determined to be unpermitted. In addition, failure of the owner to comply with the provisions of this Bylaw shall be punishable by fine as established under Section XII. of the Eastham Zoning Bylaw which states that the penalty for violation of any provision hereof shall be a fine of not more than \$300.00 for each offense. Each violation and each day of violation shall constitute a separate offense, punishable by fine.

### **7. Amnesty:**

- a. In an effort to meet local housing needs, real property containing an accessory dwelling unit, as described in this Section, for which a validly-issued Variance, Special Permit, Building Permit, Occupancy Permit or Rental Certificate does not exist, may apply to the Building Department for an Occupancy Permit or the Special Permit Granting Authority for a Special Permit or to the

## TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

- Health Department for a Rental Certificate to continue legal use as an accessory dwelling unit. Amnesty shall not be granted unless the septic loading capacity for existing structure(s) and the existing approved septic flow for the property both comply with the requirements of the Eastham Board of Health regulations and 310 CMR 15.00 – The State Environmental Code, Title 5. Failure to comply with all pertinent State and local rules and regulations shall result in forfeiture of the accessory dwelling unit and/or the removal of the bedroom(s) causing exceedance to the approved septic flow capacity of the property.
- b. To qualify for amnesty under this Section, the unlawful accessory dwelling unit must be a single accessory dwelling unit that is accessory to a single-family dwelling or detached accessory structure and must have been in existence prior to the date of adoption of this bylaw. It shall be the burden of the applicant to prove to the Building Department in the case of by right and to Special Permit Granting Authority in the case of a Special Permit and/or the Board of Health for issues within the purview of the Board of Health that the unlawful apartment was in existence before that date.
- c. The amnesty provisions of this bylaw shall expire on and shall no longer be available after five years from the passage of this bylaw.
8. **Severability**
- a. If any provision of this Bylaw is held invalid by a court of competent jurisdiction, the validity of the remaining portions of the Bylaw shall not be affected thereby.

or take any action relative thereto.

By Eastham Planning Board

### Summary:

Amending the Accessory Dwelling Unit (ADU) bylaw is one of the strategies recommended in the 2016 Eastham Affordable Housing Production Plan. Affordable rentals are the highest priority need in Eastham. Creating additional ADUs will help diversify the housing options in the community beyond just single family dwellings. They provide flexible housing options and living arrangements for a range of age groups. ADUs help mitigate high rental rates by increasing the supply of year-round units with little to no impact on public infrastructure or utilities; while at the same time adding to the Town's tax revenue through the increased property values that these units provide.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: 7-0

PLANNING BOARD RECOMENDATION: 5-0-0

*(2/3rds Majority vote required)*

## **ARTICLE 21** **CREATE OPTIONAL BETTERMENT FOR WATER CONNECTION**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation, in the form set forth below, in order to authorize the Town to appropriate money to provide low interest loans to homeowners to connect to the Town's public water system; provided, however, that the General

## TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition; or take any other action relative thereto.

### AN ACT RELATIVE TO WATER CONNECTIONS IN THE TOWN OF EASTHAM.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

**Section 1.** The Town of Eastham is hereby authorized to establish a water connection assistance program for property owners in the town in order to assist such owners to connect to the town's water distribution system. Said program shall be consistent with the terms and conditions as are provided for in chapter one hundred and eleven, section one hundred and twenty-seven B and one-half of the General Laws.

**Section 2.** Any costs incurred under the provisions of this section may be funded by an appropriation or issuance of debt, provided that any debt incurred shall be subject to the provisions of chapter forty-four and shall not exceed twenty years.

**Section 3.** Any appropriation or borrowing by the town for purposes contained within this section shall not be included for the purpose of computation of the levy or borrowing limits otherwise imposed upon the town by the general laws.

**Section 4.** An owner may petition the board of selectmen or other appropriate authority in charge of the town's water distribution system to enter into an agreement, subject to appropriation, authorizing the board of selectmen or other authority to cause the premises to be connected to the town's water distribution system. An owner who enters into such an agreement shall be responsible for all expenses incurred by the town, directly or indirectly, for such connection. A notice of such agreement shall be recorded as a betterment and be subject to the provisions of chapter eighty relative to the apportionment, division, reassessment and collection of assessment, abatement and collections of assessments, and to interest; provided, however, that for purposes of this section, such lien shall take effect by operation of law on the day immediately following the due date of such assessment or apportioned part of such assessment and such assessment may bear interest at a rate determined by the town treasurer by agreement with the owner at the time such agreement is entered into between the board of selectmen and the property owner. In addition to remedies available under chapter eighty, the property owner shall be personally liable for the repayment of the total costs incurred by the town under this section; provided, however, that upon assumption of such personal obligation to a purchaser or other transferee of all of the original owner's interest in the property at the time of conveyance and the recording of such assumption, the owner shall be relieved of such personal liability.

**Section 5.** The board of selectmen may enact regulations to carry out the water connection assistance program that are within the general scope and intent of the Act.

**Section 6.** This Act shall take effect upon its passage.

By Board of Selectmen

#### Summary:

As the public water system becomes available to more properties, some residents who would like to connect to the system have been unable to afford the one-time capital investment of bringing the water pipe from the street curb stop to their home. Passage of this article will allow the town to pay for the initial hook-up and allow homeowners to pay the fee as an annual betterment (loan payment) added to their tax or water bill.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: 7-0

*(Majority vote required)*

## TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

### **ARTICLE 22** **TEE TIME LAND ACQUISITION**

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise, to be held by the Board of Selectmen for general municipal purposes, a parcel of land consisting of ten and 8/10 (10.8) acres, more or less, located at 4790 State Highway, Eastham, Barnstable County, Massachusetts and more accurately shown in a plan entitled, "Plan of Land in Eastham, Massachusetts, prepared for Angelo's Supermarkets, Inc." dated January 10, 1986 by Nickerson & Berger, Inc., and recorded with the Barnstable County Registry of Deeds in Book 410, Page 32 under such terms and conditions as the Board of Selectmen determine to be in the best interests of the Town; and as funding therefor to appropriate the sum of **\$1,600,000** for the acquisition and other costs incidental and related thereto; that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow **\$1,600,000** and to issue bonds and notes therefor pursuant to M.G.L. Chapter 44, Sections 7, Clause 1, or any other enabling authority; provided, however, that any borrowing authorized hereunder shall be contingent on the passage of a Proposition 2 and ½ debt exclusion vote. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; or take any action relative thereto.

By Board of Selectmen

#### Summary:

In 2015 housing developer Stratford Partners Group proposed a 130-unit affordable housing development on this parcel of land. The project began as a 40B LIP (Local Initiative Plan) or "friendly" 40B and the developer and the Town began a process to try and make the development more positive for the Town. This process failed and the Board of Selectmen voted against accepting the project as a LIP. The developer then went through the normal 40B process with the Zoning Board of Appeals, which ultimately denied the comprehensive permit. The developer appealed the ZBA decision to the State Housing Appeals Court and we have been in negotiations with the developer ever since. Earlier this year, the Town asked the developer to transfer their rights to purchase the property to the town and they agreed. We have a purchase and sale agreement with Stratford Partner's Group and Stop & Shop for \$1,600,000. Passage of this article and an affirmative vote at the ballot will allow the town to purchase the property and hold it for general municipal purposes until another use is developed. Our intent would be to create a community process to decide the best and highest use of this critical large parcel of land. Any project or re-sale would require coming back to Town Meeting. A debt analysis of the cost of this purchase for the value of a median price home of \$468,000 would be approximately \$15.82 per year or \$410 over twenty years.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: 7-0

*(2/3rds Majority vote required)*

### **ARTICLE 23** **NAUSET ESTUARY DREDGE**

To see if the Town will transfer the balance of the remaining appropriation for the Rock Harbor Dredge Project, fund 3013 (\$175,184.32) to the Nauset Estuary Dredge Project (Fund 3016) to be used to pay for expenses related to the permitting, engineering and study of the environmental impact of said project, or take any action relative thereto.

By Board of Selectmen

## TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

### Summary:

The study of the possible dredge of Town Cove and the Nauset Inlet has been in progress for several years. Last year, Eastham Town Meeting appropriated \$100,000 to join with Orleans in the study of the proposed project: basically, to look at what would be necessary to engineer and permit an improvement dredge and to study the environmental impact of the project. In order to permit the dredge, many environmental studies and questions about the impact to the coastal dune, the marsh, shellfish, and protected wildlife must be conducted and concerns by the regulating agencies addressed. This article transfers the remaining funds appropriated for the Rock Harbor Dredge in 2014 to be used on this project. It will not require additional borrowing.

BOARD OF SELECTMEN RECOMMENDATION: *Report at Town Meeting*

FINANCE COMMITTEE RECOMMENDATION: *Report at Town Meeting*

*(4/5ths Majority vote required)*

### **ARTICLE 24** **CPA-REVENUE ALLOCATION**

To see if the Town will vote to appropriate and transfer, pursuant to the provisions of G.L. C44B (6) from the FY20 estimated community preservation revenues to reserves in the following amounts: **\$85,588** open space purposes, **\$85,588** historic preservation purposes, **\$85,588** affordable housing purposes, **\$85,588** active recreation purposes and **\$513,529**, to the FY20 Community Preservation budgeted reserves for appropriation for a total of **\$855,881** as recommended by the Community Preservation Committee; or take any action relative thereto.

By Board of Selectmen/Community Preservation Committee

### Summary:

This annual article seeks to set aside 10% of the estimated community preservation revenue for open space, historic resources, affordable community housing and active recreation, with the remaining estimated revenue reserved for appropriation as required by G.L. Chapter 44B (6).

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: 7-0

COMMUNITY PRESERVATION COMMITTEE: 5-0

*(Majority vote required)*

### **ARTICLE 25** **CPA-ADMINISTRATIVE COSTS**

To see if the Town will vote to transfer and appropriate **\$42,794** from the FY20 estimated Community Preservation revenues as allowed by law to cover administrative support expenses; or take any action relative thereto.

By Board of Selectmen/Community Preservation Committee

### Summary:

This article transfers \$42,794 of Community Preservation Funds to the CPA committee for administrative purposes. The State Legislation permits up to five percent (5%) of all funds may be used for that purpose. Any unused funds each year revert to the Community Preservation Fund Balance.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: 7-0

COMMUNITY PRESERVATION COMMITTEE: 9-0

*(Majority vote required)*

## TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

### **ARTICLE 26** **CPA-DEBT PAYMENT**

To see if the Town will vote to transfer from FY18 CPA Receipts **\$73,500** from Community Preservation Undesignated Fund Balance for the purpose of paying the debt payment for the Aschettino Land Purchase; or take any action relative thereto.

By Town Accountant/Community Preservation Committee

#### Summary:

This is the annual debt payment for a previous open space purchase approved at Town Meeting. The State Legislation allows for the principal and interest debt payments to be funded through the Community Preservation Fund, but only recently required that a separate article be voted each year of the long term debt payment. This payment is the final payment on the 20 year bond.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: 7-0

COMMUNITY PRESERVATION COMMITTEE: 5-0

*(Majority vote required)*

### **ARTICLE 27** **CPA - AFFORDABLE HOUSING - CAPE HOUSING INSTITUTE**

To see if the Town will vote to transfer the sum of **\$7,500** from Community Preservation Affordable Housing Fund Reserves and/or Undesignated Fund Balance to fund a grant to The Cape Community Housing Partnership for the purposes of funding the “Cape Housing Institute” and further to authorize the Board of Selectmen to enter into a grant agreement for this purpose; or take any action relative thereto.

By Board of Selectmen/Community Preservation Committee

Summary: The Cape Housing Institute delivers training programs to build public support for affordable housing and equip local elected and appointed officials with the knowledge and skills to support the creation of more year-round housing.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: 7-0

COMMUNITY PRESERVATION ACT COMMITTEE: 7-0

*(Majority vote required)*

### **ARTICLE 28** **CPA AFFORDABLE HOUSING - EASTHAM AFFORDABLE HOUSING TRUST**

To see if the Town will vote to transfer the sum of **\$250,000** from Community Preservation Affordable Housing Reserves and/or undesignated fund balance to the Eastham Affordable Housing Trust in support of housing assistance programs including a Rental Subsidy Program, a Housing Preservation Program, a Lease to Own Program and a Closing Cost Assistance Program or other programs deemed appropriate by the Eastham Affordable Housing Trust. Housing units created under any of the current and proposed affordable housing assistance programs would be subject to such terms and conditions which the Eastham Affordable Housing Trust may require, in order to ensure the long term viability of affordable housing units; or take any action relative thereto.



## TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

By Board of Selectmen/Community Preservation Committee

### Summary:

This article will allow the Eastham Affordable Housing Trust to continue implementation of several housing assistance programs designed to meet current and future demands for assistance identified in the 2016 Eastham Housing Production Plan. The proposed programs are based on successful models utilized in neighboring communities. The overarching goal of these programs is to provide housing assistance to a broad base of the community.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: 7-0

COMMUNITY PRESERVATION ACT COMMITTEE: 8-0

*(Majority vote required)*

### **ARTICLE 29**

#### **CPA – HISTORIC PRESERVATION - HISTORIC PROPERTIES SURVEY**

To see if the Town will vote to transfer the sum of **\$30,000** from The Community Preservation Historic Reserve and/or Undesignated Fund Balance for expenditure under the direction of the Board of Selectmen for the purpose of conducting a survey to identify, describe, and preserve significant historic buildings, structures, archeological sites and landscapes within the Town of Eastham; or take any action relative thereto.

By Board of Selectmen/Community Preservation Committee

Summary: This article will provide funds to survey historic properties in Eastham. The survey will be conducted by professional consultants and overseen by the Eastham Historical Commission. Eastham's historic structures are an important component of the character of the community. Cataloging these properties is necessary in order to protect their status for possible inclusion in the Massachusetts Historical Commission and the National Register of Historic Places.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: 7-0

COMMUNITY PRESERVATION ACT COMMITTEE: 8-0

*(Majority vote required)*

### **ARTICLE 30**

#### **CPA – OPEN SPACE - LAND ACQUISITION HIGGINS PARCEL**

To see if the Town will vote to authorize the Board of Selectmen to acquire, by gift, purchase or eminent domain, for conservation, and groundwater protection purposes, pursuant to G.L. c.40, sec.8C and G.L. c.44B, a parcel of land containing 5.76 acres, more or less, located at 0 Nauset Road, Eastham, Massachusetts and more accurately described in a deed dated February 18, 2010 recorded with the Barnstable County Registry of Deeds in Book 24382 Page 99 and shown as Parcel 5 -30-0-R, on a sketch plan of land entitled, "Joyce Howard Higgins, Sketch Plan 0 Nauset Road in Eastham, Massachusetts, March 27, 2012, a copy of which is on file with the Eastham Town Clerk, to be held under the care, custody, management and control of the Eastham Conservation Commission and subject to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, under such terms and conditions as the Board of Selectmen may impose; and as funding therefore to appropriate the sum of **\$120,000** for the acquisition and other related costs associated therewith from the

## TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

Community Preservation Open Space Reserve and/or undesignated fund balance, said sum shall be reduced by the amount of any grants or gifts received; and further to authorize the Board of Selectmen to grant to the Trustees of the Eastham Conservation Foundation, at the time of closing or within a reasonable amount of time thereafter, a perpetual Conservation Restriction on the property in accordance with the provisions of G.L. c.44B, sec.12 and G.L. c.184, sec.31-33; and further to authorize the Board of Selectmen and the Conservation Commission to file on behalf of the Town any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts or any other grant programs; or take any action relative thereto.

By Board of Selectmen/Community Preservation Committee

### Summary:

This parcel has a high natural resource value, with undisturbed native forest and groundcover. The property is entirely within the Massachusetts Natural Heritage and Endangered Species Program Priority Habitat for rare species and estimated habitat for rare wildlife. The property is also located within the Water Resource Protection District and is adjacent to the Town's water supply well and storage tower. The property provides critical wildlife habitat and also provides passive recreation opportunities to residents with hiking trails that connect to adjacent town-owned properties and to the National Seashore. Acquiring this property would protect drinking water quality, preserve natural habitat and allow low impact public use of the property to continue. This purchase will be made with CPA funds allocated for open space and will not involve any borrowing or additional taxes. A certified appraisal was submitted to the Town in December 2018 in amount of \$190,000.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: 7-0

COMMUNITY PRESERVATION ACT COMMITTEE: 8-0-1

*(Majority vote required)*

### **ARTICLE 31** **CPA – OPEN SPACE - MONITORING**

To see if the Town will vote to transfer the sum of **\$6,000** from The Community Preservation Open Space/Passive Recreation reserves and/or Undesignated Fund Balance as a grant to the Eastham Conservation Foundation, a nonprofit organization for the purpose of undertaking stewardship and preservation of 13 town-owned conservation properties, and to make them more functional for their intended uses. Funds shall be used to pay for expenses associated with monitoring the properties and enforcement of conservation restrictions; or take any action relative thereto. This grant will cover expenses incurred for stewardship for FY20 through FY24.

By Board of Selectmen/Community Preservation Committee

### Summary:

The Eastham Conservation Foundation (ECF) has been asked on behalf of the Town to take on the role of "Steward" for 13 town-owned parcels totaling nearly 30 acres. Such stewardship of open space properties ensures that the property is appropriately protected from detrimental impacts and that the natural and beneficial functions of the wildlife habitat as well as the passive recreation benefits to the public are maintained.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: 7-0

COMMUNITY PRESERVATION ACT COMMITTEE: 7-0

*(Majority vote required)*



## TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

### **ARTICLE 32**

#### **CPA - OPEN SPACE - PRESERVE MINISTER/SCHOOLHOUSE PONDS**

To see if the Town will vote to transfer the sum of **\$135,000** from Community Preservation Open Space/Passive Recreation Reserves and/or undesignated fund balance for expenditure under the direction of the Board of Selectmen for the purpose of preserving and restoring the water quality of Minister/Schoolhouse Ponds; or take any action relative thereto.

By Board of Selectmen/Community Preservation Committee

#### Summary:

This grant requested by the Water Management Committee would be used to restore the water quality to Minister/Schoolhouse Ponds using a combination of environmentally appropriate treatments so that irreversible damage is not done to its natural systems and it continues to serve as a public resource for fishing, swimming and non-motorized boating as well as a habitat for native plants and animals.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: 7-0

COMMUNITY PRESERVATION ACT COMMITTEE: 9-0

*(Majority vote required)*

### **ARTICLE 33**

#### **CPA – ACTIVE RECREATION - WILEY PARK RECREATION AREA**

To see if the Town will vote to transfer the sum of **\$22,000** from The Community Preservation Active Recreation Reserve and/or Undesignated Fund Balance for expenditure under the direction of the Board of Selectmen for development of a plan for restoration and rehabilitation and/or to expand the recreational facilities at Wiley Park; or take any action relative thereto.

By Board of Selectmen/Community Preservation Committee

#### Summary:

The Eastham Recreation Commission seeks funds for Phase 1 of the Wiley Park Recreation Area Renovation. Phase 1 will include existing conditions survey, site assessments and preliminary designs for recreation areas and equipment. The goal of the overall project is to maximize the use of the available recreation areas by designing context sensitive amenities that complement the surrounding area and that meet the evolving needs of the community.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: 7-0

COMMUNITY PRESERVATION ACT COMMITTEE: 7-0

*(Majority vote required)*

### **ARTICLE 34**

#### **CPA – ACTIVE RECREATION - MOBI-MATS**

To see if the Town will vote to transfer the sum of **\$20,000** from The Community Preservation Active Recreation Reserve and/or Undesignated Fund Balance for expenditure under the direction of the Board of Selectmen to

## TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

purchase beach access mats a.k.a. “Mobi-Mats” in order to make public beaches throughout the town more functional for their intended uses; or take any action relative thereto.

By Board of Selectmen/Community Preservation Committee

### Summary:

This article will provide funds to purchase “Mobi- Mats” for use at public beaches throughout the town. This equipment will provide safe and easy access to public beaches for all users including individuals with disabilities. Making the Town’s public beaches ADA accessible is an ongoing goal of the Eastham Recreation Commission and the Eastham Recreation Department.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: 7-0

COMMUNITY PRESERVATION ACT COMMITTEE: 9-0

*(Majority vote required)*

### **ARTICLE 35** **PETITION – BAN SINGLE-USE PLASTIC BAGS**

To see if the Town of Eastham will vote to protect its natural resources by prohibiting the use of single-use plastic bags by all retail establishments as of November 1, 2020, after a phase-out period of eighteen months.

#### **1. Purpose and Intent:**

The production and use of single-use plastic bags have significant effects on the marine and land environment of all coastal communities, including but not limited to: contributing to the potential death of marine and terrestrial animals through ingestion and entanglement; contributing to pollution of the land and coastal environment; clogging our storm drainage systems; creating a burden to our solid waste collection and recycling efforts; and requiring the use of millions of barrels of non-renewable, polluting fossil fuel nationally for their manufacture. Therefore, the Town of Eastham seeks to protect its natural resources by prohibiting the use of single-plastic bags by all retail establishments as of November 1, 2020, after a phase out period of eighteen months.

#### **2. Definitions**

**Food and Retail Establishment:** any business selling goods, food, or services to the public, including but not limited to: markets; restaurants; bars; take-out food purveyors; and merchandise retailers.

**Single-Use Plastic Bag:** a bag made of plastic, including but not limited to bags made of high-density polyethylene, low density polyethylene, 'biodegradable', 'compostable', with a thickness of less than 4 mils provided at the checkout stand, cash register, point of sale or other point of departure intended for the purpose of transporting food or merchandise out of the Establishment.

**Reusable Bag:** a bag that is specifically designed and manufactured for multiple reuse and is made of cloth or other durable material.

#### **3. Applicability**

The requirements of this article shall apply to single-use plastic bags, as defined above. Said bags shall no longer be distributed, sold, or provided at any Town of Eastham Establishment after the 18 month phase out period. Any stock remaining after that date shall be recycled or returned to the manufacturer by the Establishment.

Establishments may provide paper, reusable bags, or boxes at no charge, or charge a fee which would be kept by the Establishments, as they so desire.

#### **4. Exemptions**

The following are exempt and not subject to the provisions of this article: 1. Plastic bags used for newspapers, pet waste, yard waste, household garbage, or protective dry cleaning bags

2. Bags sold in quantity (bulk) for home food storage

3. Bags used for the protection of raw foods, including but not limited to, produce or meat/fish products

4. Packaging used during the transport of products to an Establishment from the manufacturer

## TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

### 5. Enforcement

Enforcement will be decided after the adoption of this article and before the date it goes into effect.

By Petition

#### Town Summary:

The Board of Selectmen recognize the need for a bylaw that reflects the community's commitment to protecting the environment. They have begun to do outreach to the local businesses and have also received a very comprehensive bylaw proposal from the Conservation Commission. We are all committed to creating a thoughtful and comprehensive bylaw that will protect our resources and not prove to be a hardship for local businesses. To that end, the enactment of the petitioned articles for a ban on single-use plastic bags and polystyrene products is November of 2020. This gives us time to craft a legal bylaw to bring to the next Annual Town Meeting in May of 2020, send it to the Attorney General for review, which is a legal requirement, and still enact the ban(s) as of November of 2020. This will allow The Board of Health, the Conservation Commission and the Petitioners of the articles to work together to recommend a comprehensive bylaw to Town Meeting. This timeline also gives 18-month notice to local businesses, and allows them to participate in its development next winter. We will schedule a legally advertised public hearing regarding the bylaw in spring 2020.

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: 7-0

BOARD OF HEALTH RECOMMENDATION: 5-0

*(Majority vote required)*

### ARTICLE 36

#### PETITION – BAN SINGLE-USE POLYSTYRENE CONTAINERS

To see if the Town of Eastham will vote to protect its natural resources by prohibiting the use of single-use polystyrene containers, and counterparts, as of November 1, 2020, after a phase-out period of eighteen months after the adoption of this article.

#### **1. Purpose and Intent:**

The use and disposal of polystyrene products are proven to have significant negative impacts on marine and land environment of our coastal community, including but not limited to: A. contributing to the harm of marine and terrestrial wildlife through ingestion and entanglement; B. pollution and degradation of the terrestrial and coastal environment; C. Human risk through exposure to harmful carcinogens used in the making of polystyrene products; and D. Disposal burdens for solid waste collection and recycling facilities. Therefore, the Town of Eastham seeks to protect its natural resources and the well-being of its residents by prohibiting food or retail establishments from distributing single-use disposable polystyrene containers, and counterparts, as of November 1, 2020, after a phase out period of eighteen months.

#### **2. Definitions**

**Single-Use Polystyrene Disposable Containers and Counterparts:** single-use disposable products for serving or transporting food or beverages, including but not limited to, take out foods and/or partially consumed meals prepared by a restaurant and/or retail food establishment. This includes, but is not limited to, plates, cups, bowls, trays, hinged or lidded containers, straws, cup lids, and cutlery.

**Expanded Polystyrene (EPS):** polystyrene that has been expanded or “blown” using a gaseous blowing agent into a solid form.

**Polystyrene:** expanded and extruded forms of thermoplastic, petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion blown molding (extruded foam polystyrene), sometimes called Styrofoam, a Dow Chemical Co. trademarked form of polystyrene foam.

## TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

**Food Establishments:** any operations, including but not limited to, restaurants, schools, charitable associations, food trucks, farmer's markets, concession stands, and other public venues that store, prepare, package, serve, vend or otherwise provide food for human consumption.

**Retail Establishments:** any commercial business facility that sells goods directly to consumers, including but not limited to, grocery stores, pharmacies, liquor stores, convenience stores, retail stores and vendors selling clothing, food, and personal items, dry cleaning services, theaters and all other food service establishments.

**Public Venues:** operations such as meeting halls, Town offices, public facilities and recreation areas.

By Petition

BOARD OF SELECTMEN RECOMMENDATION: 5-0

FINANCE COMMITTEE RECOMMENDATION: 7-0

BOARD OF HEALTH RECOMMENDATION: 5-0

*(Majority vote required)*

### ARTICLE 37

#### PETITION – SUPPORT LEGISLATION TO CHANGE STATE SEAL/FLAG

Whereas the history of the State of Massachusetts is replete with instances of conflict between the European Colonists and the Native Nations of the region, who first extended the hand of friendship to the Colonists on their own shores in 1620, and helped them survive starvation during the settlers' first winters on their land;

Whereas members of the Native Nation for whom the State of Massachusetts is named were ambushed and killed by Myles Standish, first commander of the Plymouth Colony, in April of 1623, barely two years after the Pilgrims arrived on their shores;

Whereas the naked colonial broadsword brandished above the head of the native man on the Massachusetts state flag and seal is copied from Myles Standish's own broadsword, borrowed from the Pilgrim Hall in Plymouth by the illustrator Edmund Garrett in 1884;

Whereas the belt binding the native's cloak on the flag and seal is modeled after a belt worn by Metacomet, known to the English as King Phillip, who was among the Wampanoag leaders who resorted to a mutually destructive war in 1675-76 in defense of native lands against euro-colonial encroachment;

Whereas the history of relations between Massachusetts since colonial times and the Native Nations who continued to live within its borders includes the forced internment of thousands of so-called "praying Indians" on Deer Island in Boston Harbor, where they died by the hundreds of exposure in 1675, their subsequent enslavement in Boston, Bermuda and the Caribbean Islands, the offering of 40 pounds sterling as a bounty for the scalps of native men, women and children in Massachusetts in 1686 increased to 100 pounds sterling for the scalps of native adult males by 1722, half that amount for native women and children;

Whereas Native Nations within the boundaries of Massachusetts were kept in a state of serfdom, and their members legally considered incompetent wards of the state until the non-violent action of the so-called Mashpee Rebellion in 1833 led to the granting of native self-rule by the Massachusetts State Legislature in 1834, as if the sovereign right to native self-government was the Massachusetts legislature's to confer;

Whereas Native Americans were legally prohibited from even stepping foot into Boston from 1675 until 2004, when that law was finally repealed;

Whereas the 400<sup>th</sup> anniversary of the landing of the euro-colonists at Plymouth Plantation, which gave rise to the long chain of genocidal wars and deliberate policies of cultural destruction against Native Nations of this container is approaching in the year 2020, affording every citizen of the Commonwealth a chance to reflect upon this history and come to a new awareness of a better relationship between the descendants of the euro-colonial immigrants and the Native Nations of these shores;

And whereas Native Americans have long suffered many abuses of racism, the appropriation of their symbols for public schools and sports teams; the diminution and pollution of their ancestral lands and the encroachment of their cultural lifeways;

## TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

Why change the State Flag and Seal?

Whereas all 50 American states have official flags and seals only two of them-Mississippi, which incorporates the Confederate battle flag, and Massachusetts which features the Colonial Broadsword of Miles Standish, hanging over the head of a Native American man, with the Latin phrase, translated, "By the Sword we seek Peace"- have come under sustained criticism as official state symbols of white supremacy. The change has the support of the Massachusetts Commission on Indian Affairs. Hartman Deetz, of the Mashpee Wampanoag said the sword above the artificial Indian reminds them of the beheading of their Chief Metacomet whose head was impaled on a pike in Plymouth for more than 20 years. Justin Beatty, a member of the Ojibwe and Supoini tribes said the flag and seal glorify violence between the peoples of Massachusetts.

Therefore, BE IT RESOLVED that the people of Eastham adopt this resolution in support of HD.2968 and SD.1495, a Resolve Providing for the creation of a special commission relative to the seal and motto of the Commonwealth to change the seal and flag so that it supports the values of the State of Massachusetts.

By Petition

BOARD OF SELECTMEN RECOMMENDATION: 2-1-2

FINANCE COMMITTEE RECOMMENDATION: 4-3

*(Majority vote required)*

### **ARTICLE 38** **ACCEPT PUBLISHED REPORTS**

To see if the Town will accept the published reports of the Town officers as printed and made available to the public in the 2019 Town of Eastham Annual Report, and to hear any unpublished reports of committees and to do or act on anything which may legally come before this meeting.

## TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

You are directed to serve this Warrant by posting attested copies thereof at the Post Office in Eastham and North Eastham fourteen days at least before the date of holding said meeting.

Hereof, fail not and make due return of this Warrant and your doings thereon to the Town Clerk at the time and place of holding said meeting.

Given under our hands and seals this 19th day of April in the year of our Lord, Two Thousand and Nineteen.

**(signature page)**

Greetings:

In a pursuance of the conditions of the foregoing warrant, I have posted attested copies, one each at the Post Office in Eastham and North Eastham fourteen days before time of said meeting.

Constable

A True Copy Attest:

Sue Fischer, Town Clerk

# TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

## **MUNICIPAL FINANCE TERMS**

### **APPROPRIATION:**

An authorization granted by Town Meeting to make expenditures and to incur obligations for specific purposes.

### **FREE CASH:**

Certified each year by the Director of State Bureau of Accounts, this is the portion of the fund balance which is available for appropriation by a Vote of Town Meeting. It is not cash, but rather is the approximate total of cash and receivables less current liabilities and earmarked reserves.

### **TRANSFER:**

The authorization to use an appropriation for a different purpose; in most cases only the Town Meeting may authorize a transfer.

### **RESERVE FUND:**

This fund is established by the voters at an Annual Town Meeting only and is composed of an appropriation (not exceeding 5% of the tax levy of the preceding year). Transfers from the Reserve Fund are within the exclusive control of the Finance Committee, and are for “extraordinary or unforeseen” situations, normally emergencies.

### **STABILIZATION FUND:**

This is a special reserve for future expenditures. The aggregate amount in the fund shall not exceed, at any time, 10% of the valuation in the preceding year. Money may be voted into the fund by a majority vote at Town Meeting. Money may be appropriated from the fund only by a two-thirds vote at Town Meeting for any municipal purpose.

## TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

### **PROPOSITION 2 ½ TERMS**

Chapter 59, Section 21C of the Massachusetts General Laws commonly referred to as Proposition 2 ½ (Prop. 2 ½) or the Tax Limiting Law for Cities and Towns in Massachusetts.

#### **LEVY:**

The property tax levy is the revenue a Town can raise through real and personal property taxes. The property tax levy is the largest source of revenue for the Town.

#### **LEVY LIMIT:**

The Maximum the levy can be in a given year. The limit is based on the previous year's levy limit plus certain allowable increases.

#### **NEW GROWTH:**

New construction and new parcel subdivision may also increase the Town's levy limit.

#### **OVERRIDE:**

A community can permanently increase its levy limit by successfully voting at a referendum to exceed the limits. A community may take this action as long as it is below the levy ceiling. The ceiling equals 2.5% of the Town's total valuation.

#### **GENERAL OVERRIDE:**

A general override ballot question can be placed on a referendum if a majority of the Board of Selectmen vote to do so. If the ballot question is approved by a majority of the voters, the Town's levy limit is permanently increased by the amount voted at the referendum. The levy limit increase may not exceed the Town's levy ceiling. Override questions must be presented in dollar terms and specify the purpose.

#### **DEBT EXCLUSION:**

This override ballot question can be placed on a referendum by a two-thirds vote of the Board of Selectmen. If a majority of the voters approve the ballot question, the Town's levy limit is increased only for the amount voted at the referendum for the life of that debt only. The levy limit increase may exceed the Town's levy ceiling.



# TOWN OF EASTHAM ANNUAL TOWN MEETING, MAY 6, 2019

## PROCEDURES FOR TOWN MEETING

In accordance with Section C2-8. B of the Eastham Town Charter, the following procedures will be followed:

1. A registered voter wishing to speak at Town Meeting shall proceed to one of the microphones. Once recognized the voter shall give his or her name and address, speak to the question for not more than three minutes, and shall not speak again until all those wishing to speak thereon have done so. Persons making articles and demonstrations are exceptions to this rule.
2. Non-voters who wish to address Town Meeting and have identified themselves in advance to the Moderator may only speak if permitted by majority consent of voters.
3. Registered voters will be seated first. Additional seating for non-voters may be available only after the Town Clerk has determined that there are an adequate number of seats for all registered voters in attendance. **Voters who sit in the Non-Voter Section cannot vote.**
4. Discussion on each article shall terminate when no one wishes to speak or the discussion becomes redundant in the opinion of the Moderator or a motion to call the question is approved.
5. Votes may be taken by voice (Majority to be determined by the Moderator), by a show of hands or by electronic devices. Articles requiring a 2/3 vote will be by hand count or electronic device count, at the Moderator's discretion, unless unanimous. If seven Town Meeting members question a voice vote, the Moderator may then choose an alternative counting method.
6. An article may be reconsidered on the same day, no more than sixty (60) minutes from the time the vote on such article is declared by the Moderator. The Town Clerk's minutes shall record such times.
7. TOWN MEETING TIME, A Handbook of Parliamentary Law, Third Edition, 2001, is the Eastham Town Meeting parliamentary handbook.

The only persons allowed in the foyer at Town Meeting will be Registrars, Checkers and voters.

Persons with handouts of any nature must be outside the building or in a designated area.

**PLEASE BE COURTEOUS.**

**ALLOW EACH SPEAKER TO PRESENT THEIR IDEAS WITHOUT INTERRUPTION.**

# NOTES

# NOTES

# NOTES